

LISA SCOLARI
Attorney at Law
20 Vesey Street, Suite 400
New York, New York 10007
lscolarilaw@earthlink.net

TEL 212-227-8899

FAX 212-964-2926

November 20, 2019

Hon. Paul G. Gardephe
United States District Court
40 Foley Square
New York, N.Y. 10007

Re: United States v. Kennedy Noel,
18 Cr. 364 (PGG)

Your Honor:

I write to request that the Court approve a temporary lifting of Kennedy Noel's release conditions so that he may obtain a passport and travel to Mexico. In January of this year, Mr. Noel signed a deferred prosecution agreement and began a six month period of pretrial supervision. On August 20, 2019 Pretrial Officer Lea Harmon submitted a report indicating that he had completed the pretrial period but that his compliance had been marginal. Specifically, Mr. Noel had tested positive for marijuana once in April, had been placed on random drug testing and between April and July missed five random drug tests. Apparently Mr. Noel made up the tests when called to do so and did not test positive again.

Ms. Harmon deferred the decision as to whether to grant Mr. Noel a dismissal to the government. Mr. Noel was told that he no longer had to report to pretrial and mistakenly believed that his case was over. The pretrial report was never acted upon and Mr. Noel's case has not been resolved. Thinking that his case was over, Mr. Noel paid for a trip to Cancun Mexico and applied for a passport. Pretrial was notified of the passport application and Mr. Noel was told that his case had not been resolved.

Since this occurred, pretrial has submitted a revised report recommending that Mr. Noel's case be dismissed. Kyle Wirshba, Esq. has indicated that the U.S. Attorney's Office will attempt to resolve Mr. Noel's situation expeditiously. However, it is not clear that will happen in time for Mr. Noel to obtain his passport and travel.

Therefore, I request that the Court authorize Mr. Noel to get his passport and travel to Cancun Mexico from November 28, to December 6, 2019. Kyle Wirshba, Esq. and Pretrial Officer Leah Harmon consent to Mr. Noel obtaining his passport. Pretrial has no objection to Mr. Noel's travel and Mr. Wirshba defers to pretrial's position.

Respectfully,
Lisa Scolari
Lisa Scolari

SO ORDERED:


HON. PAUL G. GARDEPHE

Nov. 21, 2019